

**MEDINA TOWNSHIP
BOARD OF ZONING COMMISSIONERS
REGULAR MEETING
SEPTEMBER 17, 2013**

REGULAR MEETING

Chairperson Strogin called the regular meeting of the Medina Township Board of Zoning Commissioners to order at 7:30 p.m. Permanent Commission members Overmyer, Kuenzer, Szunyog and Strogin were in attendance. Alternate Commission member Borrer sat in for a full board. Alternate Commission member Johnson was also in attendance.

The Zoning Commission minutes from their August 20, 2013 regular meeting were approved as amended.

Trustees would hear site plans/signage reviews on October 10, 2013 at 7:00 p.m.

A letter would be sent to the applicants when the Trustees would hear their site plan/signage requests.

SITE PLANS

First National Bank-3613 Medina Rd.

Mr. Major Harrison from Brilliant Electric Sign Co. represented First National Bank. He stated First National Bank has taken over Parkview Federal locations.

Mr. Overmyer made a motion to approve the change of use for First National Bank to be located at 3613 Medina Rd. as presented. It was seconded by Mr. Kuenzer.

ROLL CALL-Overmyer-yes, Kuenzer-yes, Borrer-yes, Szunyog-yes, Strogin-yes.

Mr. Major Harrison from Brilliant Electric Sign Co. stated he was also present this evening to represent First National Bank's signage requests. He stated they would just be making face changes to the existing signage that was there for Parkview Federal.

The first sign requested was a 20.68 sq. ft. wall sign. The business frontage is 40 ft.

Ms. Szunyog made a motion to approve a wall sign for First National Bank located at 3616 Medina Rd. not to exceed 20.68 sq. ft. as presented. It was seconded by Mr. Borrer.

ROLL CALL- Szunyog-yes, Borrer-yes, Overmyer-yes, Kuenzer-yes, Strogin-yes.

The next request was for a second wall sign. Chair Strogin stated this business is located on a corner lot and is permitted two signs. The sign is 20 sq. ft.

Ms. Szunyog made a motion to approve a wall sign for First National Bank located at 3616 Medina Rd. not to exceed 20 sq. ft. as presented. It was seconded by Mr. Borrer.

ROLL CALL- Szunyog-yes, Borrer-yes, Overmyer-yes, Kuenzer-yes, Strogin-yes.

Page 2 Zoning Commission 9/17/2013

The third request was for (4) four directional signs.

Exit Only sign-1.72 sq. ft.

ATM Only sign-1.65 sq. ft.

Closed/Open sign-0.875 sq. ft.

Clearance sign-0.8333 sq. ft.

Mr. Borrer made a motion to approve four directional signs for First National Bank as presented. It was seconded by Mr. Overmyer.

ROLL CALL-Borrer-yes, Overmyer-yes, Szunyog-yes, Kuenzer-yes, Strogin-yes.

Lastly, Mr. Harrison stated he was before the Commission to request a 2.99 sq. ft. tenant panel to be placed on the existing pylon/identification sign for First National Bank.

Ms. Szunyog made a motion to approve a tenant panel for First National Bank not to exceed 2.99 sq. ft. as presented. It was seconded by Mr. Kuenzer.

ROLL CALL-Szunyog-yes, Kuenzer-yes, Borrer-yes, Overmyer-yes, Strogin-yes.

Health Food Store-4483 Weymouth Rd.

Mr. James Briola from Northcoast Signs and Lighting represented the Health Food Store which was located in Backbone of Health. He stated this business is located on Rt. 3 and Granger Rd. There are two driveways. One is for customers and the other is for employees. The one driveway actually goes through to the street behind and individuals are passing through. The proposed directional sign would read, "No Pass through Employees Only".

Mr. Overmyer made a motion to approve a directional sign for the Health Food Store located at 4483 Weymouth Rd. not to exceed 3.375 sq. ft. as presented. It was seconded by Mr. Kuenzer.

ROLL CALL- Overmyer-yes, Kuenzer-yes, Szunyog-yes, Borrer-yes, Strogin-yes.

Owl Eyes On You-3725 Medina Rd. Suite 107

Ms. Allison Tinchler and Wendy Ziska represented Owl Eyes On You. This business would consist of boutique selling jewelry and clothing. It would be locating in Suite 107 of Signature Square the former location of Moo Town Creamery.

Ms. Szunyog made a motion to approve the change of use for Owl Eyes on You to be located at 3725 Medina Rd. Suite 107 as presented. It was seconded by Mr. Borrer.

ROLL CALL- Szunyog-yes, Borrer-yes, Overmyer-yes, Kuenzer-yes, Strogin-yes.

Mr. James Briola from Northcoast Signs and Lighting represented the signage requests for Owl Eyes On You. The first request was for a 24 sq. ft. wall sign. The business frontage is 25 ft.

Mr. Borrer made a motion to approve a wall sign for Owl Eyes On You located at 3725 Medina Rd. Suite 107 not to exceed 24 sq. ft. as presented. It was seconded by Mr. Overmyer.

ROLL CALL-Borrer-yes, Overmyer-yes, Szunyog-yes, Kuenzer-yes, Strogin-yes.

Page 3 Zoning Commission 9/17/2013

Lastly, Mr. Briola stated he was before the Commission to request a 3.67 sq. ft. tenant panel to be placed on the existing identification sign for Owl Eyes On You.

Mr. Kuenzer made a motion to approve the tenant panel for Owl Eyes On You to be placed on the existing identification sign not to exceed 3.67 sq. ft. as presented. It was seconded by Mr. Overmyer.

ROLL CALL- Kuenzer-yes, Overmyer-yes, Szunyog-yes, Borrer-yes, Strogin-yes.

Project Sushi-3579 Medina Rd.

Mr. Carl May from Medina Signs represented Project Sushi. He stated he was before the Commission to request a 22.68 sq. ft. wall sign. The frontage of the business is 25 linear feet.

Ms. Szunyog made a motion to approve a wall sign for Project Sushi located at 3579 Medina Rd. not to exceed 22.68 sq. ft. as presented. It was seconded by Mr. Borrer.

ROLL CALL-Szunyog-yes, Borrer-yes, Overmyer-yes, Kuenzer-yes, Strogin-yes.

Pat O'Brien Chevrolet-3880 Pearl Rd.

Mr. Jim Setele, Operations Manager represented Pat O'Brien Chevrolet.

The letter attached to the application read,

“Wall Sign-We are requesting a 4th wall sign of 13 sq. feet for the Pearl Rd. face of the building. This sign will identify the location of the “Quick Lube” oil change entry door. Variances were previously approved for the “Pat O'Brien” and “Certified Service” wall signs. The “Quick Lube” sign variance was not previously requested with the two others due to it merely being overlooked. Zoning Resolution 605 I.

Without the Quick Lube signage, potential customers won't know that the quick oil change service is being offered. Those that do will not know where to enter the building at. Confusion would occur and traffic may become congested due to customers not being informed as to where to drive. Unlike other businesses where customers are parking and walking to the building for goods and services, the auto service business requires customers to actually drive into the building. In the case of this dealership, where two distinct types of services are being offered (regular service and quick oil change service), proper signage is required to avoid the previously mentioned snarling of traffic. With the approval of this request, the total wall signage for this building will be 126 sq. feet. This is only 60% of the total allowable square footage of 183 sq. ft. for a building of this width.

Monument Signs (2)-We are requesting two (2) monument signs. The first will be located on Pearl Rd. and the second is on Fenn Rd. The General Motors sign manufacturer produces the monument signs in incremental sizes, 19 sf, 40 sf, 75 sf, 127 sf and 226 sf. We are requesting the 40 square feet size which is 8 square feet above the allotted 32 square feet. The current pylon sign of 75 sq. ft. which is located within the proposed Fenn Rd. right of way will be removed. Zoning Resolution Section 605 H.

Page 4 Zoning Commission 9/17/2013

Monument Signs-Due to General Motors incremental size restrictions, the only size sign that would be permitted per the Zoning Resolution would be 19 sq. ft. Going from the current 75 sq. ft. pylon sign, to two (2) 19 sq. feet monument signs, would be a 50% reduction in signage. This decrease would be unacceptable.

Being that we have 665 ft. of frontage on Pearl Rd. and 492 ft. of frontage on Fenn Road in the Intensive Business District where 150 ft. of frontage is required, we feel increasing the monument sign size by 8 sq. ft. would not be detrimental to the district.

With the approval of this request, we are willing to remove the 75 sq. ft., 23' high pylon sign which is located within the future Pearl Rd. right-of-way, and replace it with two (2) 40 square feet, 10' high monument signs, which would be approximately 460 ft. apart, as indicated on the site plan. This benefits the township by removing a sign from the right of way and also is eliminating a pylon sign, which we understand is no longer being permitted."

Chair Strogin stated that during this major remodeling, signage was being redone for this facility. As the letter stated, this one wall sign was overlooked. She added that the Zoning Resolution only permits one wall sign 1 ft. for each linear foot of frontage not to exceed 80 sq. ft. Therefore this request would need to be denied.

Mr. Overmyer made a motion to deny the wall sign "Quick Lube" for Pat O'Brien located at 3880 Pearl Rd. as it does not meet the zoning code requirements of Section 605 I. I Wall Signs per the Medina Township Zoning Resolution. It was seconded by Mr. Borrer.

ROLL CALL-Overmyer-yes, Borrer-yes, Kuenzer-yes, Szunyog-yes, Strogin-yes.

Mr. Setele stated the second request is for two ground signs. Chair Strogin stated two ground signs are permitted because this is a corner lot. However, the square footage permitted for ground signs is 32 sq. ft. and the request is for 2 ground signs at 40 sq. ft. each so the request has to be denied. It was stated that Pat O'Brien Chevrolet has filed to be on the BZA agenda tomorrow evening for the wall signs and ground signs requests.

Mr. Setele stated Pat O'Brien has built a high-tech audio/visual auditorium as part of this major remodeling that will be open for community use. It has not yet been determined if its use would be limited to 501C3 operations.

Mr. Kuenzer made a motion to deny two ground signs for Pat O'Brien located at 3880 Pearl Rd. as it does not meet the zoning code requirements of Section 605 H. Ground Signs per the Medina Township Zoning Resolution. It was seconded by Mr. Borrer.

ROLL CALL-Kuenzer-yes, Borrer-yes, Szunyog-yes, Overmyer-yes, Strogin-yes.

The Grill at Stonegate-3737 Stonegate Dr.

Mr. James Briola from Northcoast Sign and Lighting represented The Grill at Stonegate. This change of use was approved at last month's Commission meeting. The first sign request was for a 14. sq. ft. wall sign. The business has 14.8 ft. of linear frontage.

Page 5 Zoning Commission 9/17/2013

Ms. Szunyog made a motion to approve a wall sign for The Grill at Stonegate located at 3737 Stonegate Dr. not to exceed 14 sq. ft. as presented. It was seconded by Mr. Overmyer.
ROLL CALL-Szunyog-yes, Overmyer-yes, Kuenzer-yes, Borrer-yes, Strogin-yes.

The second request was for a 7.5 sq. ft. tenant panel for The Grill at Stonegate to be placed on the existing pylon sign.

Mr. Borrer made a motion to approve a tenant panel to be placed on the existing pylon sign for The Grill at Stonegate located at 3737 Stonegate Dr. not to exceed 7.5 sq. ft. as presented. It was seconded by Mr. Overmyer.
ROLL CALL-Borrer-yes, Overmyer-yes, Kuenzer-yes, Szunyog-yes, Strogin-yes.

APPC Plumbing-3247 Pearl Rd.

Mr. Charles Klinkenberg from Illes Architects and owner Eric Schroeder represented APPC Plumbing. He stated that APPC Plumbing wanted to put on a 2,000 sq. ft. addition to the existing building. Mr. Klinkenberg stated a variance was received back in 2007 for the side yard setback for the business as Mr. Schroeder owned the property next door.

Mr. Overmyer made a motion to approve an addition to the existing building for APPC Plumbing located at 3247 Pearl Rd. not to exceed 2,000 sq. ft. as presented. It was seconded by Ms. Szunyog.
ROLL CALL-Overmyer-yes, Szunyog-yes, Kuenzer-yes, Borrer-yes, Strogin-yes.

Medina Soccer Association-3074 Remsen Rd.

Mr. Ian Jones represented Medina Soccer Association. He stated he was before the Commission to request a 16 sq. ft. wall sign above the existing garage door on the front of the building reflecting their new name, "The Hive Medina Soccer Association. The business has 165 ft. of linear frontage. Chair Strogin stated that this is the Weymouth Community Center. It is the building that has 165 ft. of frontage. Each business in that building is permitted a 4 sq. ft. directional sign.

Police Chief Arbogast stated he believed this is two separate buildings. There are 5 different addresses. Chair Strogin interjected that when the Trustees purchased the building the intention was for minimal signage on the building. Mr. Jones said he did not understand how Creative Living could have a 32 sq. ft. sign and all he could have was a 4 sq. ft. directional sign. Chair Strogin stated Creative Living was the first business to go in the Weymouth Community Center building and the owners of the building did not protest Creative Living having the maximum signage permitted. Therefore, the applicant could have a 4 sq. ft. sign approved or go before the BZA to request a variance. She added this is not a commercial building. This is a governmental building. Mr. Jones stated he would go before the BZA.

Mr. Overmyer made a motion to deny the wall sign for Medina Soccer Association located at 3074 Remsen Rd. as it does not meet the zoning code requirements of Section 605 I. I Wall Signs per the Medina Township Zoning Resolution. It was seconded by Mr. Borrer.

ROLL CALL-Overmyer-yes, Borrer-yes, Szunyog-yes, Kuenzer-yes, Strogin-yes.

Hidden Lakes Subdivision-Watkins Rd.

Mr. Chris Brown from Prestige Homes represented Hidden Lakes Subdivision.

He stated that before the Commission was the preliminary plan for the subdivision on Watkins Rd. that did receive approval by the Township and the County Planning Commission. Extensions have been requested and approved for this subdivision and he was before the Commission to receive re-approval for the plan. The configuration of the streets and lots have not changed.

Trustee Jarrett asked about the Sunoco pipelines. Mr. Brown stated the pipes are located on the adjacent property. He added he thought Sunoco was putting in larger pipes.

Chair Strogin stated she was a member of the Emergency Management Planning Commission and at that meeting held on September 5, 2013, the Sunoco compressor station site and pipelines were brought up for discussion. The Director of the EMA stated that Sunoco had come in several months back and provided everybody documentation and training for Emergency Management, the HAZMAT team and local fire chiefs. Sunoco has stated the replacement of the items that would be stored in the larger facility would provide more safety as the building was 50-60 yrs. old. The new building will also be more sound proof than the old building.

Mr. Brown stated he was glad Sunoco was doing that. He continued that Phase 1 of Hidden Lakes is platted and consists of 8 lots. There are currently 3 homes built. Mr. Brown stated he would be going back to the CPC after the Trustees sign off on the plan.

Mr. Overmyer made a motion to re-approve the site plan for Hidden Lakes Subdivision Phase 2 and 3 as presented. It was seconded by Mr. Borrer.

ROLL CALL-Overmyer-yes, Borrer-yes, Szunyog-yes, Kuenzer-yes, Strogin-yes.

Sunoco-3980 Pearl Rd.

Mr. Steve Gamary represented Sunoco. He stated he was the new owner of the gas station.

Mr. Borrer made a motion to approve the change of ownership for Sunoco located at 3980 Pearl Rd. as presented. It was seconded by Mr. Kuenzer.

ROLL CALL-Borrer-yes, Kuenzer-yes, Szunyog-yes, Overmyer-yes, Strogin-yes.

Mr. Gamary stated the second request was for a new ground sign. The sign would consist of a LED insert for gas price changing. The size of the sign would be 28 sq. ft.

Mr. Overmyer made a motion to approve a ground sign for Sunoco located at 3980 Pearl Rd. not to exceed 28 sq. ft. as presented. It was seconded by Mr. Borrer

ROLL CALL-Overmyer-yes, Borrer-yes, Szunyog-yes, Kuenzer-yes, Strogin-yes.

Weymouth Community Center-3076 Remsen Rd.

Police Chief Arbogast represented the Township Trustees. He stated he was requesting a 4 sq. ft. directional sign for the Weymouth Community Center.

Mr. Overmyer made a motion to approve a directional sign for Weymouth Community Center located at 3076 Remsen Rd. not to exceed 4 sq. ft. as presented. It was seconded by Mr. Borrer. ROLL CALL-Overmyer-yes, Borrer-yes, Kuenzer-yes, Szunyog-yes, Strogin-yes.

Kaleidoscope Therapies, LLC-3078 Remsen Rd.

Ms. Thompson-Repas represented Kaleidoscope Therapies. She stated she wanted to locate in the Weymouth Community Center located on Remsen Rd. Chair Strogin asked if this operation was a 501C3? Ms. Repas stated no. However there is a portion of her business that she can create a foundation for but that was not the essence of her business. Ms. Repas stated she was an LLC-sole proprietorship. She offered services for profit.

There was a lengthy discussion about allowing such an operation in the Weymouth Community Center and how that would affect the tax exemption status of the building. Chair Strogin stated everything in the building was a 501C3 or governmental operation.

Trustee Jarrett stated the Trustees approved Kaleidoscope Therapies application being forwarded to the Zoning Commission for recommendation. Police Chief Arbogast stated the Trustees approved the terms of the lease agreement with Kaleidoscope.

Ms. Repas stated she provides therapy to children with disabilities. Regarding tax status, Trustee Jarrett stated responsible parties will be prorated their share of the property taxes if applicable but that will not be known until the application moves further down the line to the Auditor's Office.

Chief Arbogast stated an application has been submitted to the State. This will take up to a year for a determination. The applicant has a contract with the Medina City School District and this operation deals with disabled and autistic children. It has not been determined with 100% certainty if this operation will have a tax exempt status. If it comes back that it is not tax exempt they would be responsible for the taxes on the square footage they would occupy in the building.

There was much discussion if this operation should be allowed in a governmental service building located in a residential district. Trustee Jarrett stated the Trustees were also waiting for a legal opinion from the Pros. Office as well.

It was stated that this building used to house the Achievement Center.

Mr. Borrer asked Ms. Repas if all the children who receive therapy from her handicapped or disabled. Ms. Repas stated yes. The term disabled is a broad term to define. She accepts children on a referral basis i.e. doctor or the school district.

Page 8 Zoning Commission 9/17/2013

The Commission looked at the code in the RR District (Rural Residential) which allows for “Governmental and or privately owned and/or operated recreational uses such as picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, equestrian activities, and other similar recreational facilities or uses of similar character. Uses similar in character to the following shall be excluded: commercial recreational uses such as drive-in theaters, miniature golf courses, golf-driving ranges, pistol ranges or other ranges for the use of firearms; the operation of snowmobiles, motorcycles, and all other terrain vehicles when conducted as a business such as by renting such vehicles or charging a fee in order to operate such vehicles on private property or the inviting of spectators to view the operation of such vehicles of allowing competition among such vehicles with or without charging a fee.”

Mr. Borrer stated when the Trustees purchased the building and published information about it, what type of occupancy did they intend for the building? Chair Strogan stated she recalled that it would house 501C3/non-profit organizations.

Mr. Overmyer and Ms. Szunyog felt this would be a good use for the building. Mr. Overmyer commented even with that said, the Commission could not go against the code. Ms. Repas stated the original use of the building was for therapy for children. Mr. Overmyer stated he was suggesting possibly a comparative use application subject to the State/Auditor’s opinion about the tax exemption status.

Mr. Borrer stated when the Township acquired this building he foresaw it being used for governmental purposes period. Then it became a place for kids to play soccer among other things. He added the deed restriction on this property which allowed the Township to purchase it for \$50,000 or \$80,000 was strict in not permitting for profit businesses. Mr. Borrer stated he was not quibbling about the nature of Ms. Repas business, but there is a fundamental difference. He continued that he did not think the State or Auditor was going to come back and allow them the pay taxes on the square footage they occupy. This should be the Trustees responsibility to get the information.

Trustee Jarrett stated this application is before the Commission for recommendation and then the Trustees will have to take action once it comes to us. He added he felt it was important to seek a legal opinion from the Prosecutor’s Office but he did not believe that had been done as of yet.

Mr. Overmyer stated the Commission then should make that request. Mr. Borrer stated he disagreed, as it is the Trustees that sign the lease. They are the party that signed the lease and they are the property owners, so they should find out legally if the applicant can occupy the building.

Chair Strogan stated that governments are “technically exempt” from zoning but Medina Township has always held the opinion that if we subject our residents/businesses to follow the code then the Township should follow suit and that has been the practice of the Township. Mr.

Page 9 Zoning Commission 9/17/2013

Borrer responded that per the code that was read, he did not feel this was an eligible business to go in that building because it was for profit and not recreational.

It was asked of the applicant if she would be willing to table the request until a legal opinion was rendered from the Pros. Office. Ms. Repas stated yes. Trustee Jarrett stated ZI Ridgely would be directed to contact the Prosecutor's Office accordingly.

Mr. Overmyer made a motion to table the change of use per the applicant's request for Kaleidoscope Therapies, LLC to be located at 3078 Remsen Rd. until October 15, 2013 at 7:30 p.m. pending information being received from the Prosecutor's Office. It was seconded by Mr. Kuenzer.

ROLL CALL-Overmyer-yes, Kuenzer-yes, Borrer-yes, Szunyog-yes, Strogin-yes.

Lady Finger Point-n-Pull LLC-2993 Pearl Rd.

Ms. Lisa Cook represented Lady Finger Point-n-Pull LLC. She stated this business is a ladies fire arm and accessory store. This is the former location of Tag It!/Apple Country. This property will be leased. She added she would be doing concealed weapons training also at this facility.

Mr. Kuenzer made a motion to approve the change of use for Lady Finger Point-n-Pull LLC to be located at 2993 Pearl Rd. as presented. It was seconded by Mr. Overmyer.

ROLL CALL-Kuenzer-yes, Overmyer-yes, Borrer-yes, Szunyog-yes, Strogin-yes.

Ms. Cook stated her second request was for a 20 sq. ft. wall sign.

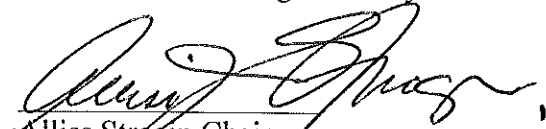
Mr. Overmyer made a motion to approve a wall sign for Lady Finger Point-n-Pull LLC not to exceed 20 sq. ft. as presented. It was seconded by Mr. Borrer.

ROLL CALL-Overmyer-yes, Borrer-yes, Kuenzer-yes, Szunyog-yes, Strogin-yes.

Having no further business before the Board, the meeting was officially adjourned at 9:42 pm.

Respectfully Submitted,

Kim Ferencz, Zoning Secretary


Alliss Strogin Chairperson